

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 024107

17

ORIGIN EB-11

INFO OCT-01 EA-11 ISO-00 L-03 COME-00 LOC-01 SPC-03 SAM-01

AID-20 NSC-10 RSC-01 CIEP-02 TRSE-00 SS-20 STR-08

OMB-01 CEA-02 CIAE-00 DODE-00 INR-10 NSAE-00 PA-04

USIA-15 PRS-01 /125 R

DRAFTED BY EB/CBA/BP:DVLABRIE:VJW

APPROVED BY EB/CBA/BP:HJWINTER

EA/PHL - BWILLNER

L/EB - MSPIEGEL

COPYRIGHT OFF - LFLACKS

COMMERCE - JLIGHTMAN

----- 074463

R 052157Z FEB 74

FM SECSTATE WASHDC

TO AMEMBASSY MANILA

LIMITED OFFICIAL USE STATE 024107

E.O. 11652: N/A

TAGS: EIND, RP, US

SUBJECT: COPYRIGHT - PHILIPPINE PRESIDENTIAL DECREE 285

REF: (A) DEPT 230569; (B) MEMO OF CONVERSATION, 11/20/73;
(C) DEPT 223410; (D) MANILA 10763; (E) MEMO OF CONVER-
SATION, 11/6/73

1. FOLLOWING LETTER DATED JANUARY 15, 1974 SENT BY LEO
ALBERT, CHAIRMAN OF INTERNATIONAL TRADE COMMITTEE FOR
ASSOCIATION OF AMERICAN PUBLISHERS, TO DR. GERARDO SICAT,
DIRECTOR GENERAL, PHILIPPINE NEDA REGARDING DISCUSSIONS IN
DEPARTMENT ON NOVEMBER 20, 1973 ABOUT REPRINT LICENSING
AGREEMENTS (SEE REFS (A), (B), (C) AND (E)):

QUOTE: ALMOST TWO MONTHS HAVE ALREADY ELAPSED SINCE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 024107

WE HAD THE PLEASURE OF MEETING WITH YOU IN WASHINGTON.

WE TRUST YOU HAD A FRUITFUL JOURNEY AND A SAFE RETURN TO MANILA.

DURING OUR DISCUSSION, YOU EXPRESSED INTEREST IN THE RE-PRINT LICENSING AGREEMENTS WE HAVE SIGNED WITH THE NATIONAL BOOK FOUNDATION (NBF) IN PAKISTAN. UNDER THE TERMS OF THE AGREEMENTS, NBF AGREES TO PAY TO THE AUTHOR/PUBLISHER A ROYALTY RATE IN U.S. CURRENCY OF 2 PERCENT OF U.S. LIST PRICE ON ALL COPIES SOLD. NBF FURTHER AGREES TO SHOW ON THE COPYRIGHT PAGE (EXAMPLE):

C - (C IS IN A CIRCLE)
PRENTICE-HALL, INC.
THIS REPRINT AUTHORIZED BY PRENTICE-HALL, INC.
FOR SALE AND DISTRIBUTION IN PAKISTAN ONLY.

THE FOREGOING TERMS HAVE BEEN ACCEPTED BY U.S. PUBLISHERS AND ARE ALSO CONSIDERED REASONABLE AND SATISFACTORY BY THE GOVERNMENT OF PAKISTAN.

WE RESPECTFULLY REQUEST THAT YOU CONSIDER LIKE TERMS AND ESPECIALLY THAT REPRINT RIGHTS TO A SINGLE TITLE BE GRANTED ONLY TO ONE PUBLISHER (REPRINTER) IN ORDER TO CONSERVE RAW MATERIALS AND TO ENABLE THE REPRINTER TO MAKE A FAIR RETURN ON HIS INVESTMENT. THE SELLING PRICES OF SUCH REPRINTS ARE, OF COURSE, TO BE ESTABLISHED BY THE REPRINTER. THE U.S. PUBLISHERS/AUTHORS HAVE NO SAY IN THE MATTER.

AS CHAIRMAN OF THE INTERNATIONAL TRADE COMMITTEE FOR THE ASSOCIATION OF AMERICAN PUBLISHERS, I CAN ASSURE YOU OF OUR DESIRE TO COOPERATE WITH YOU IN YOUR ENDEAVOR TO MAKE OUR KNOWLEDGE AVAILABLE TO PHILIPPINE STUDENTS AT THE LOWEST POSSIBLE COST. UNQUOTE

2. BECAUSE OF U.S. ANTITRUST LAWS, ALBERT FEELS UNABLE TO GIVE FIRM COMMITMENTS FOR U.S. PUBLISHING INDUSTRY THAT IT WILL ABIDE BY THIS PROPOSED ARRANGEMENT. HOWEVER, ALBERT POINTED OUT TO DEPARTMENT AND SICAT DURING NOVEMBER 20 MEETING, (REF B), THAT FROM HIS PAST EXPERI-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 024107

ENCE IN PAKISTAN MOST IMPORTANT PUBLISHERS WILL ABIDE BY THIS ARRANGEMENT.

3. U.S. PUBLISHERS ARE EXPRESSING GRAVE CONCERN OVER PRINCIPLE INVOLVED IN DECREE 285. PUBLISHERS AND DEPARTMENT AGREE THAT IF THIS DECREE IS ALLOWED TO REMAIN IN FORCE, OTHER DEVELOPING COUNTRIES MAY FOLLOW THIS PRECEDENT AND ENACT SIMILAR DECREES, DESTROYING VALUABLE

U.S. INTERNATIONAL BOOK MARKETS AND INTERNATIONAL COPY-
RIGHT SYSTEM INsofar AS DEVELOPING COUNTRIES ARE CON-
CERNED.

4. ALBERT, AS CHAIRMAN OF INTERNATIONAL TRADE COMMITTEE
FOR ASSOCIATION OF AMERICAN PUBLISHERS, ARRIVING MANILA
FEBRUARY 19 AND DEPARTING FEBRUARY 25. WOULD LIKE TO
DISCUSS PUBLISHERS' CONCERNS WITH AMBASSADOR AND OTHER
EMBASSY OFFICERS AS APPROPRIATE. ALBERT PLANS MEET WITH
PRESIDENT MARCOS AND NEDA DIRECTOR SICAT REGARDING DECREE
285 AND FOLLOW-UP ON LETTER TO SICAT IN PARA 1. (FYI:
ALBERT INFORMED DEPT THAT PRENTICE-HALL MAY PUBLISH A

BOOK AUTHORED BY PRESIDENT MARCOS. END FYI) ALBERT ALSO
PLANS MEET WITH OFFICIALS OF CENTRAL BANK TO DISCUSS
BOOK ROYALTIES. ARRANGEMENTS TO MEET WITH PHILIPPINE
OFFICIALS WILL BE MADE BY ALBERT. HOWEVER, IF PROBLEMS
ENCOUNTERED BY ALBERT IN ARRANGING APPOINTMENTS WITH GOP
OFFICIALS, EMBASSY ASSISTANCE MAY BE REQUESTED.

5. DEPARTMENT APPRECIATES MANY EFFORTS PREVIOUSLY MADE
BY EMBASSY AND PROMPT REPORTING ON DEVELOPMENTS OF PRESI-
DENTIAL DECREE 285.

6. ACTION REQUESTED: (A) APPOINTMENT WITH AMBASSADOR
AND OTHER EMBASSY OFFICIALS AS INDICATED IN PARA 4.
(B) EMBASSY COMMENT ON PROSPECTS GOP ACCEPTANCE OF ALBERT
PROPOSAL OUTLINED PARA 1 OR OTHER MEASURES TO ALLEVIATE
DAMAGE TO COPYRIGHT PRINCIPLE UNDER DECREE 285. (C)
EMBASSY RECOMMENDATIONS FOR ACTIONS USG MIGHT TAKE TO
ASSIST PUBLISHERS IN MODIFYING DECREE OR ITS EFFECT.
IN THIS CONNECTION EMBASSY AUTHORIZED EXPRESS USG CONCERN
AND DESIRE FOR SETTLEMENT OF ISSUE, BUT SHOULD NOTE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 024107

ALBERT PREFERS PRESENT HIS PROPOSAL BEFORE ANY EMBASSY
REPRESENTATION MADE ON BEHALF OF U.S. PUBLISHERS.
(D) REQUEST DETAILED EMBASSY REPORT ON ALBERT VISIT AND
RESULTS. PLEASE REPLY ATTN: EB/CBA/BP. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLICATIONS, COPYRIGHT LAW, COPYRIGHT INFRINGEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 FEB 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE024107
Document Source: CORE
Document Unique ID: 00
Drafter: DVLABRIE:VJW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740254/aaaabynt.tel
Line Count: 158
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) DEPT 230569; (B) MEMO OF CONVERS, ATION, 11/20/73;
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 07 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Aug-2002 by martinml>; APPROVED <08-Aug-2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COPYRIGHT - PHILIPPINE PRESIDENTIAL DECREE 285
TAGS: EIND, RP, US
To: MANILA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005